

REMARKS

The Examiner is thanked for the Official Action of October 27, 2003. This request for reconsideration is intended to be fully responsive thereto.

Rejections under 35 U.S.C. §112

Claims 4, 10, 24-27 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant herein amended claims 1-2, 4-6, and 10 and canceled claims 3, 7-9, and 11-33.

Regarding the specific rejections of Examiner, claims 4 and 10 were rejected because of the terms "only" and "solely". Applicant amended claims 4 to read "said secondary system or systems are equipped with a secondary storage device made up of random access memory that stores a database or databases" and also amended claim 10 to read "said primary processing device and secondary processing device are equipped with communicating means that performs communications of backup data between them". Therefore, Examiner's rejection to this regard should be removed. No new matter has been added.

Claims 24-27, 30 and 31 were rejected but they were cancelled this time and therefore, no ground for rejection continues to exist. No new matter has been added.

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Rejections under 35 U.S.C. § 103

Claims 1, 2, 5, 6 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over EP923 030 A1) to Tamatsu in view of US5,742,792 to Yanai.

Regarding claim 1, Examiner stated that Tamatsu discloses a data backup and recovery system for computers characterized by provision of: blocks storing sequentially records containing single unique key and zero or one or more non-unique key; a primary system that controls the location of these blocks by means of a location table pairing the blocks with physical addresses in random access memory and manages a database or databases stored in random access memory. Examiner continued that Tamatsu does not explicitly disclose a secondary system or systems that is provided with backup blocks corresponding to the blocks of the said primary system in which the source data is stored, controls the location of these blocks by means of a location table pairing the blocks with physical addresses in random access memory, and manages a database or databases stored in random access.

Further, Examiner suggested that Yanai discloses the use of near identical back and restoration system in large database. Yanai discloses the benefits of this type of backup and restoration system. Tamatsu discloses the possibility and need for back/restore functionality. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the reliable fault tolerant secondary site of Yanai into the RAM database of Tamatsu and thereby creating a fault tolerant system capable of handling valuable data without risk of loss.

However, by this amendment, amended claim 1 contains the following limitations:

"wherein

said primary system transmits to the secondary system or systems the content of updated data and information specifying the blocks where updated content, data and pre-updated information is stored,

said secondary system or systems are provided with a synchronous tightly-coupled or an asynchronous loosely-coupled sequencing system arranged to receive transaction initiation information from said primary system and then receive log completion information to said primary system after receiving transaction completion information from the primary system until that backup update processing is complete, and

when a transaction is canceled or suffers abnormal termination and the primary system receives a message that the transaction has been canceled, the primary system transmits to the secondary system or systems said message, and the secondary systems restore all affected data back to the state prior to the updates on the basis of the pre-updated information."

These added features are not suggested or taught in Tamatsu, Yanai or in any combination thereof. Therefore, amended claim 1 removes the Examiner's reasoning of rejection.

Regarding claims 2 and 5, the same argument as above can be made because of the same features in the amended claim 1 added to the end of each claim.

Claim 6 was rejected because Tamatsu discloses "the said primary system transmitting to the secondary system or systems the content of updated data and information specifying the blocks where update content and data are stored and the said secondary system or systems provided with an asynchronous loosely coupled sequencing system arranged to receive transaction initiation information from the said primary system and then receive log data during the transaction and update the relevant data, and to not transmit backup completion information to the said primary system after receiving transaction completion information from the primary system until that backup update processing has completed".

In response to Examiner's rejection, Applicant amended claim 6 to add features, i.e., "when a transaction is canceled or suffers abnormal termination and the primary system receives a message that the transaction has been canceled, the primary system transmits to the secondary system or systems said message, and the secondary systems restore all affected data back to the state prior to the updates on the basis of the pre-updated information". These added features are not suggested or taught in Tamatsu, Yanai or any combination thereof. Therefore, amended claim 6 removes the Examiner's reasoning for rejection.

Regarding claim 9, Applicant cancelled the claim and therefore Examiner's rejection is moot.

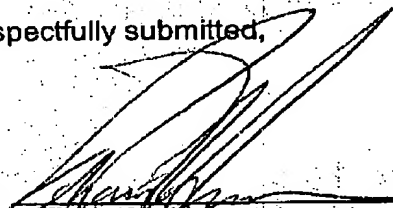
Conclusion

Accordingly, it is respectfully submitted that claims 1-2, 4-6 and 10 define the invention over the cited references and notice to this effect is respectfully solicited. Applicant believes that the amended claims are now in condition for allowance. No new matter has been added.

Should the examiner believe further discussion regarding the above claimed language would expedite prosecution they are invited to contact the undersigned at the number listed below.

Respectfully submitted,

By:



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